IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 08th day of July 2005

Criminal Misc. Bail Application No.540/2005

Order on the bail application of accused

CRIMINAL SIDE

Nazmul Islam S/o Shri Shriaj Kazi
R/o House No. 127 E-Block
Seema Puri,
P.S. Purani Seema Puri
Delhi .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of case crime No. 119/2005
U/s 363, 366 I.P.C.
P.S. Kotwali Roorkee
District Haridwar

Hon'ble J. C. S. Rawat, J.

Heard Sri Manish Arora learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The learned counsel for the applicant contended that according to the FIR, the applicant-accused belongs to Delhi and the police never made any search or raid in his house at Delhi. The learned counsel for the applicant further contended that when the applicant was at Roorkee the police arrested him on the information of a 'Mukhbir', however, the prosecution has not moved any application for the police remand of the accused so that the recovery could be made from his possession. The learned counsel for the applicant contended that the victim is not in the possession of the applicant. It was further contended that the complainant has not given any application to the police in order to make search of the house of applicant. Considering the facts, contentions and totality of the circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

Dated 08.07.2005 **(J.C.S. Rawat, J.)**

LSR